

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER P. LORETI,)	
Plaintiff,)	
)	
v.)	C.A. NO.
)	
JOSEPH F. TULIMIERI, JULIANA RICE)	
OTHER UNNAMED EMPLOYEES OF THE TOWN)	
OF ARLINGTON, individually and in their official)	
capacities, and TOWN OF ARLINGTON,)	
Defendants.)	
)	

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT
28 U.S.C. § 1441(a)

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

Petitioners, Joseph Tulimieri, Juliana Rice and the Town of Arlington (the "Town"), respectfully petition this Court, pursuant to 28 U.S.C. § 1441(a), for removal of the above-entitled action to the United States District Court for the District of Massachusetts, Civil Section, from the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, and for their Notice of Removal state as follows:

1. The petitioners are named as defendants by the plaintiff, Christopher P. Loreti, in a civil action filed in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, entitled Christopher P. Loreti v. Joseph F. Tulimieri, et al., Civil Action No. MICV2012-00467. On May 4, 2012, the petitioners were served with a Summons and a copy of the plaintiff's Complaint. The petitioners have not yet answered or otherwise responded to said

Summons and Complaint, nor has an appearance been filed in Middlesex Superior Court on their behalf.

2. This is a suit of a wholly civil nature brought in a Massachusetts state court. The action is pending in Middlesex County, Massachusetts, and, accordingly, under 29 U.S.C. § 101 and § 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal.

3. In Count I of his action, the plaintiff alleges that the petitioners conspired to deprive him of his constitutional rights in violation of 42 U.S.C. § 1985(2) and (3). In Count V, brought under 42 U.S. C. § 1983, the plaintiff claims that the petitioners violated his rights to equal protection of the laws and privileges and immunities of citizenship enumerated in U.S.C.A. Const. Amend 5 and U.S.C.A. Const. Amend 14.

4. Because this civil action arises under the Constitution and laws of the United States, the United States District Court has original jurisdiction under 28 U.S.C. § 1331.

5. The petitioners are filing this Notice of Removal within thirty (30) days of service of the Summons and Complaint, within thirty days of the date this action became removable, and within the time for filing this petition. See 28 U.S.C. § 1446.

6. The petitioners will file a Notice of Filing of this Notice of Removal and a copy of this Notice of Removal with the Clerk of the Superior Court of Massachusetts, County of Middlesex.

7. Pursuant to Local Rule 81.1(a), the petitioners shall request of the Clerk of the Superior Court of Massachusetts, County of Middlesex, certified or attested copies of all records and proceedings in the state court and certified or attested copies of all docket entries therein,

and shall file the same with this Court within thirty (30) days after the filing of this Notice of Removal.

WHEREFORE, petitioners, Joseph F. Tulimieri, Juliana Rice and the Town of Arlington, pray that the above-entitled action now pending in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County be removed from that Court to this United States District Court.

Respectfully submitted,

The Defendants,
By their Attorneys,

PIERCE, DAVIS & PERRITANO, LLP

/s/ Jill M. Murray

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Dated: May 25, 2012

CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon counsel of record as follows on May 25, 2012:

Elizabeth M. Clague, Esq.
Attorney at Law
The Kennedy Building
142 Main Street, Suite 304
Brockton MA 02301

/s/ Jill M. Murray
Jill M. Murray